



Young People Leaving Care

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LEAVING CARE

1. Context

The document is addressed to:

- personal advisers
- children's services social workers
- frontline managers who have particular responsibilities in relation to care leavers and looked after children

This document is designed to ensure care leavers are given the same level of care and support that their peers would expect from a reasonable parent and that they are provided with the opportunities and chances needed to help them move successfully to adulthood.

2. Legal Framework

Volume 3 of the Children Act 1989 Guidance and Regulations – Planning Transitions to Adulthood for Looked After Children guidance/The Care Leavers (England) Regulations 2010.

This guidance replaces that issued when the provisions of the Children (leaving care) Act 2000 amending the Children Act 1989 came into operation in 2001.

- The changes originate from the Care Matters White paper.
- Section 8 of the Children and Young Person's Act 2008 inserts a new Section 22D into the Children Act 1989.
- S21 of the Children & Young Persons Act 2008 amends Section 23C of the Children Act 1989.
- S22 of the Children & Young Person's Act 2008 also amends S23CA of the Children Act 1989.

2.1. The Children (Leaving Care) Act 2000

2.1.1. The Children (Leaving Care) Act 2000 amends the leaving care provisions of the Children Act 1989. The Act's main purpose is to help young people who have been looked after by a local authority move from care into living independently with the least disruption.

2.1.2 The Children Act 1989 and its underlying principles remain an integral part of the legal framework for statutory childcare provision.

2.1.3 The Children and Young Person's Act 2008 / Planning Transitions To Adulthood for Looked After Children guidance replaces that issued when the provisions of the Children (leaving care) Act 2000 amending the Children Act 1989 came into operation in 2001.

2.2. Children and young people who are covered by the Act

2.2.1. The Act places a responsibility on local authorities to assess and meet the care and support needs of young people aged 16 and 17 who are in care or who have been in care. The legislation applies to all children and young people who were looked after at age 16–18 for at least 13 weeks since their fourteenth birthday. The 13 weeks can be continuous or made up of separate episodes of care. Certain groups of children may be excluded, such as children who have been successfully rehabilitated at home and children who were looked after by way of respite care.

2.2.2. The provisions will apply to unaccompanied asylum-seeking children looked after under Section 20 of the Children Act 1989 and children and young people remanded into custody and local authority accommodation.

2.2.3. The children and young people who are covered by the Act are categorised as *Eligible, Relevant, Former Relevant and Qualifying*.

2.2.4. *Eligible children* are children aged 16 or 17 on or after 1st October 2001 who have been looked after for at least 13 weeks since

the age of 14 (excluding placements in respite care) and are still looked after. It is not necessary for the 13 weeks to have been continuous. Consequently, the 13-week period can be accumulated by a series of shorter care episodes. Planned respite care episodes will not count towards eligibility. The categories of *eligible* children include:

- *Young people remanded into local authority care and custody*, even if they subsequently are not given a custodial sentence, if the period of remand extends for 13 weeks or more.
- *Unaccompanied Asylum seeking children and young people or those without a resolved immigration status* if they are looked after for more than 13 weeks (see RBG Separated Children guide).

2.2.5. The local authority will make an assessment of each *eligible* child's needs in order to determine what advice, assistance and support is appropriate. [S19B (4)]

2.2.6. There are two categories of children who, although fulfilling the criteria for *eligible* children, will not be regarded as being *eligible*. These are:

- *Respite care* – where a child has a number of planned short-term placements, which last not longer than 4 weeks per episode and after each they return to their parents or someone with parental responsibility. This group will most likely be children with disabilities.
- *Young people who return home* – a child who whilst still looked after is placed with a parent or someone with parental responsibility for them for a period of 6 months or more. If the young person was in care and subject to Sec 20, they will become *relevant* until the 6 months of living at home has being reached after which they will be considered a qualifying child (see 2.2.14). If they are subject to a care order, they will remain

eligible until the care order is discharged or until they reach the age of 18.

2.2.7. **Relevant children** are children aged 16 or 17 who have been looked after for at least 13 weeks since the age of 14. Certain groups of children may be excluded, such as children who have been successfully rehabilitated and have returned home permanently and children who were placed in respite care.

2.2.8. A *relevant* child is a child who was previously an *eligible* child but who is no longer looked after and is under the age of 18.

Regulation 3 of the Care Leaver's regulations prescribes a further category of *relevant* child who is:

- (a) Not looked after
- (b) Age 16 or 17
- (c) At the time s/he reached the age of 16 was detained and immediately before s/he was detained or in hospital s/he had been Looked After by a Local Authority for a period of 13 weeks which began after reaching the age of 14.

- *Young people detained or in hospital* – a young person who on reaching 16 is detained in a remand centre, or other custodial institution order by a court or in a hospital or who immediately prior to being detained or hospitalised, had been looked after for 13 weeks since the age of 14. This will apply even if the young person is detained or in hospital overnight.
- *Young parents* – *Relevant* young people who are lone parents will still be able to claim some social security benefits, but not housing benefit. For all other purposes of the Act they will be considered *relevant*.

2.2.10. *Relevant* children are not eligible to claim income support, job seekers allowance or housing benefit. Lone parents and disabled

children in this group can claim income support, benefits associated with their disability and work related benefits but not housing benefit.

2.2.11. The local authority will make an assessment of each *relevant* young person's need in order to determine what advice, assistance and support is appropriate. [S23B (3)(a)]

2.2.12. *Former Relevant children* are aged 18–21 who were either *eligible* or *relevant* children and have left care. *Former relevant* children are eligible for assistance under the Act until the age of 21. A detailed education or training plan is required in the pathway plan 6 months prior to age 21 to continue support as a *former relevant* child, to the end of their agreed course or training. [S23C (3)(a, b)]

2.2.13. The local authority has a duty to take reasonable steps to maintain contact; re-establish contact if it has ceased; appoint a personal adviser and review the pathway plan. [S23C (3) & (4) (a, b, c)]

2.2.14. *Qualifying children and young people over 16* – any young person aged under 21 (under 24 if in education or training) who ceases to be looked after or accommodated in a variety of other settings; privately fostered after the age of 16; looked after for less than 13 weeks after age 16. In the case of a young person formerly looked after by the local authority the relevant authority is the one which last looked after him. In the case of a young person qualifying for advice and assistance under any of the other provisions of section 24 (2), the relevant authority is the authority in whose area the person has asked for help.

Persons *qualifying* for advice and assistance

- a) A young person aged at least 16 but under 25
- b) A young person with respect to whom a special guardianship order is in force (or was in force when they reached 18) and was looked after immediately before the making of that order, or
- c) A young person who at any time after reaching the age of 16, but while he was still a child was, but is no longer, looked after.

- d) Young people who are looked after but return home after age 16 and remain at home until after age 18.

Qualifying young people will need to present in their Local Authority area requesting a service. Their needs will need to be assessed on an individual basis to establish whether they need help of a kind the local authority can give before a decision is made in regards to the level of support to be provided. *Qualifying* young people should be informed about their entitlement to an assessment and the range of services that they might expect to receive as a result. The provision of Assistance in cash or in kind is a power rather than a duty of the local authority.

22.15. Vacation accommodation - *Relevant, Former Relevant and Qualifying children & young* people who are in residential further education or higher education will have their vacation accommodation(16 weeks) cost paid.

2.2.16. Young people who are not *relevant* children and those aged 18 can claim benefits, as their benefit entitlement is unchanged.

2.3. The Children Act 1989, section 24.

2.3.1. The Children (Leaving Care) Act does not replace the Children Act 1989. It extends the duties and powers included in the leaving care and aftercare provisions of that Act.

2.3.2. It is important to recognise that those young people, who do not come within most of the provisions of the Children (Leaving Care) Act, will be covered by and remain entitled to the provisions of sections 24, 24a and 24b of the Children Act 1989. These powers and duties are:

- A duty to advise, assist and befriend a looked after young person with a view to promoting their welfare when they cease to be looked after;
- A duty to advise and befriend a young person who was previously looked after and is under 21;
- A power to assist a young person who was previously looked after and is under 21 and beyond if assistance is for education, training or employment.
- A power to assist other young people who were accommodated by a health authority, education authority or privately fostered.

3. Roles and Responsibilities

3.1. The Responsible Authority is the local authority which last looked after the *Former Relevant or Relevant* child/young person. This responsibility is retained irrespective of where the care leaver is living. Therefore, RB Greenwich will remain responsible for young people previously looked after by the Council irrespective of the young person's place of residence after leaving care.

Qualifying young people may seek support from the local authority in which they are residing, i.e the "*relevant*" local authority

4. Guidance on Leaving Care Practice

4.1. The principles underlying the provision of a service should reflect good child care practice following the principles of the Children Act 1989 and the Children (Leaving Care) Act 2000.

4.2. The provision of a service needs to take into account the lengthy process of transition from childhood to adulthood and the gradual transition from dependence to independence.

4.3. The support provided should reflect the support that a reasonable parent would be expected to provide.

4.4. Consultation and involvement – the young person must be fully involved in the discussions and plans about their future. Consultation and the involvement of the young person will have begun in the care reviewing process and should continue into the assessment of future need and pathway planning. Other significant people in the young person's life should also be involved e.g. parents (if appropriate) and foster carers.

4.5. Developing the young person's capabilities – preparation for leaving care should start well in advance and the emphasis placed on developing a young person's capacity to make and maintain satisfactory relationships, develop self-esteem and enable them to acquire the necessary practical skills for independent living.

4.6. Risk – letting the young person take risks. In helping the young person to develop socially and culturally, carers must be prepared to take some risks and to take responsibility for doing so; to let the young person take some risk, e.g. in attempting relationships that do not work; and to take responsibility for supporting the young person through relationship breakdowns.

4.7. Consideration of religion, heritage and linguistic background – leaving care preparation must take full account of these factors and how these and other needs are to be met, e.g. access to support networks, cultural groups and the location of where the young person will live independently.

4.8. If a young person has a disability of such nature to require continuing support into adulthood, planning for leaving care and after care support must involve the appropriate adult services to ensure there is no immediate reduction in support services that would leave the young person vulnerable or at risk.

4.9. Aftercare – planning for leaving care and after care provision must be in partnership with other relevant and interested agencies. Some of these agencies have been involved in the childcare reviewing process and should be invited (when the young person reaches 16) to contribute to the pathway planning process.

4.10. Planning must commence well in advance of the young person reaching 16.

4.11. Planning must be integral to the care planning process and involve the childcare reviewing service.

5. Needs Assessment

5.1 The Council (Children's Services) is responsible for undertaking the Needs Assessment for *Eligible* and *Relevant* children. The needs assessment must be completed within 3 months of the young person reaching the age of 16. Good practice, however, should mean that the needs assessment begins before the young person reaches 16. For a *relevant* young person, the needs assessment must take place no later than 3 months after the date that the young person becomes a *relevant* child.

5.2. The young person must be involved in the assessment and the social worker must take reasonable steps to ensure the young person's participation, e.g. meetings should be held at convenient times; travel cost paid for; consideration given to disability access etc. The Council also needs to consider the timing and other issues, which may impact on the young person, e.g. exams and thus avoid placing more stress on the young person.

5.3. Meeting the needs – the following issues must be addressed when undertaking the needs assessment:

- Young person's health/mental health and development
- Young person's education, training and /or employment
- What support is available to the young person

- Financial needs
- Practical and independent living skills
- Care, support and accommodation needs
- Parenting capacity
- Immigration
- Risk analysis
- The young person's wishes and feelings

5.4. If a young person has a disability the assessment should consider enduring needs into adulthood.

5.5. The views of the following people (unless it is not reasonably practicable to do so) should be sought:

- The young person's parents and carers
- Independent visitor
- Any adult with parental responsibility
- School or education representative
- General practitioner
- Personal adviser
- Any other person whose views the Council or young person consider relevant.

5.6. At the completion of the needs assessment the following must be produced.

- Written statement identifying how and when the needs will be met
- Who will be responsible for co-ordinating and taking forward the assessment?
- How outcomes will be recorded
- What the young person can do if they are unhappy with the process

5.7. Provide a copy of the needs assessment to the young person and other relevant agencies

5.8. A record of the needs assessment must be retained.

5.9. If a specialist assessment is required because of disability issues, parenting etc, this should be done in parallel so as to avoid unnecessary duplication.

5.10. The needs assessment will be framed within the context the Framework of the Assessment of Children in Need

Procedure for Needs Assessment.

- A. The YPT social worker will be responsible for undertaking the needs assessment.
- B. Preparation for the needs assessment should begin when the young person reaches the age of 15½. The actual assessment must have started by the time the young person reaches 16.
- C. The needs assessment must consider the issues as outlined in 5.3. above.
- D. The views of those outlined at 5.5 above must be sought.
- E. At its conclusion the needs assessment must itemise the points outlined in 5.6.
- F. Copies of the needs assessment must be placed on the young person's electronic file.
- G. The allocated social worker and young person will have a copy of the needs assessment. The social worker should support the young person to read it suggest amendments and sign in agreement.

Key personnel

- YPT social worker or Personal Adviser
- Independent Reviewing Officers
- YPT team co-ordinators
- Young person
- Carers/parents

6. Pathway Plans.

6.1.1 The Pathway Plan is a process that allows the young person to map out their future; articulates their aspirations and identifies interim goals on the path to achieving their ambitions.

6.1.2. Within 6 months after completing the needs assessment, a Pathway Plan must be prepared for each *Eligible, Relevant and Former Relevant* child/young person and subsequently reviewed on a 6 monthly basis.

6.1.3. Pathway Plans must be recorded in writing and the young person given a copy. Subject to the young person's agreement, other agencies involved should also be given a copy or the relevant part that relates to their contribution. [Refer to 6.3.3]

6.1.4. Pathway Plans will replace the young person's care plan and extend until the young person is at least 21 years old. A Pathway Plan is also required for young people up to the age of 25 if support with education is being provided.

6.2. Content of Pathway Plans

The Pathway Plan will contain the following elements:

6.2.1. *Personal support* – the nature and level of personal support to be provided to the young person will be set out in the Pathway Plan. It is expected that the social worker or personal adviser will have a key role in identifying and providing personal support, but others, e.g. family members, foster carers etc can also undertake this role.

6.2.2. *Accommodation* – the Pathway Plan will contain details of the accommodation that the young person will occupy. The provision of accommodation will need to reflect the individual needs of the young person, e.g. level of independence, gender, ethnicity, location to social /family networks etc.

6.2.3. Young people and their carers should be encouraged to consider whether the young person will remain in their foster placement after they have left care. Refer to the RBG “Staying Put” guide.

6.2.4. In the provision of accommodation consideration must be given to *contingency planning* in the event of tenancy/placement breakdown.

6.2.5. *Education and Training* – the Pathway Plan will need to take into account the young person’s Personal Education Plan, and should reflect the needs and potential of the individual young person. The personal adviser or social worker will have a key role in supporting the young person’s continuing education/training needs.

6.2.6. *Employment* – the Pathway Plan will describe the support we will give the young person towards seeking, securing and maintaining employment.

6.2.7. *Family and social relationships* – the Pathway Plan will describe how we will establish, maintain and sustain family and social relationships including: identifying potential substitute carers; support groups and other leisure provision that could be useful in combating social isolation. This should consider the future parenting capacity of the young person if relevant.

6.2.8. *Practical and other skills* – these need to be approached in a holistic way. Issues such as personal care (hygiene, diet, health – including sexual health); practical skills (cooking, shopping, budgeting) inter-personal skills, identity and if appropriate, issues of disability need to be addressed and assessed. The latter will gauge whether the young person is ready for independent living and if not what further work needs to be done.

6.2.9. *Financial Support* refer to Finance Section 8

6.2.10. *Health* – the Pathway Plan will identify what the young person’s health needs (including mental health) are and how they will be met. The approach needs to be holistic e.g. healthy living in parallel with primary health care and access to specialist or therapeutic services where necessary. Cultural and gender issues should also be considered.

6.2.11. *Contingency planning* – potential crises need to be planned for and the Pathway Plan will need to have contingency plans for areas where there are potential or foreseeable problems. Areas requiring contingency planning may include; accommodation; relationships; training/employment. Contingency planning will need to be flexible and avoid labelling the young person as a failure if something goes wrong. A risk management plan should be completed.

6.3. Format of Pathway Plans

6.3.1. The Pathway Plan must contain the points listed in paragraphs 6.2.1 to 6.2.11.

6.3.2. The Pathway Plan must also include:

- Name, age and contact details of the young person
- Name and contact details of the personal adviser and any other persons involved in delivering aspects of the Pathway Plan.
- The manner in which the Council intends to meet the assessed needs
- The date by which actions require implementation

6.3.3. Copies of the Pathway Plan should not normally be given to third parties without the young person’s consent.

6.4. Preparation of Pathway Plans

6.4.1. For *Eligible* young people, the YPT social worker is responsible for preparing the Pathway Plan.

6.4.2. For *Relevant and Former Relevant* children/young people the social worker or personal adviser will prepare the Pathway Plan.

6.5. Review of Pathway Plans

6.5.1. A review of the Pathway Plan shall take place when:

- The young person requests a review
- The personal adviser requests one

Or

- At least every 6 months
- Within 28 days of accommodation change

6.5.2. The purpose of the review is to:

- Check progress, milestones and relevance of goals
- Confirm that levels of support, both personal and financial are being delivered and remain appropriate
- Take account of new/unexpected developments
- Check that everybody is complying with the pathway plan

6.5.3. During the review, the views of those who have a significant contribution to make to the pathway plan should be taken into account. Depending on developments it may be appropriate to ask others to participate.

6.5.4. The young person must be consulted and actively involved.

6.5.5. If the young person cannot or does not wish to be involved at a face to face level, then alternative means must be explored in order to allow their views to be represented and recorded.

6.5.6. If it is not possible to involve the young person, then the review must proceed without the young person's involvement. The reason for not being involved must be recorded.

6.5.7. The review must be recorded in writing and copies placed on the young person's file.

Review Procedure

A. The social worker or personal adviser will be responsible for arranging the review of the Pathway Plan.

B. Preparation for the review must begin within 5 months of the initial meeting or previous review.

C. The results of the review must be recorded in writing.

D. If the young person is still Looked After the review should take place within the timescale set by the former care plan review.

E. Where the young person is still Looked After the social worker must liaise with the independent reviewing officer.

F. An entry must be made in the information system and the date for the next review recorded.

Key personnel

- YPT social worker
- Independent reviewing officers
- Personal advisers
- YPT team co-ordinator

- Young person
- Carers/parents

7. Personal Advisers

7.1. The Council is required under the Act to arrange for each *Eligible, Relevant, and Former Relevant* young person to have a personal adviser.

7.1.1. For *Eligible and Relevant* young people a social worker shall undertake the role of personal adviser.

7.1.2. For *Former Relevant* young people the social worker or a personal adviser shall undertake the role of personal adviser. Where it has been agreed that a young person will transfer to Adult Services their social worker will undertake the role of personal adviser or commission this service where necessary on behalf of the young person.

7.2. Functions – the personal advisers will be expected to undertake the following functions:

- To provide advice and support
- To participate in the assessment and preparation of the Pathway Plan
- To participate in reviews of the Pathway Plan
- To liaise with the responsible authority in the implementation of the Pathway Plan
- To co-ordinate the provision of services and to take reasonable steps to ensure that the young person makes use of such services
- To remain informed about the young person's progress and well-being
- To keep written records of contact with the young person.

Regulation 8(2) of the Care Leavers Regulations Children and Young Person's Act 2008.

When a care leaver moves to new accommodation the PA/SW must see them at that accommodation within 7 days of the move. Subsequently

they must be seen at the point the pathway plan will be first reviewed – namely after 28 days – and they must visit the care leaver at no less than 2 monthly intervals, usually at their home.

Suitability of Accommodation

Visits will be scheduled to take place at the accommodation where the young person lives. The SW/PA must consider whether the accommodation is suitable. SW/PAs must be in regular face to face contact with the young person,

Care leavers in custody

Where a *relevant* or *former relevant* child enters custody, pathway planning must continue while the young person is detained. Plans should be in place so that a young person is able to move into suitable accommodation, with the right kind of support on release from custody. The young person must be visited on a regular basis. It is good practice for the first visit to take place within 10 days.

14 days prior to release from custody a plan should be made for their release to include:

- Who is collecting them
- Where they will be living
- The reporting arrangements
- Sources of support
- Arrangements for education or employment
- Health needs
- Financial support
- Meeting with SW/PA

8. Finance

8.1. Framework

8.1.1. *Eligible children*: The financial arrangements for young people who are currently looked after will remain under the provisions of the Children Act 1989. The local authority will make an assessment of each *eligible* young person's needs in order to determine what advice, assistance and support is appropriate Children (Leaving Care) Act 2000 19B(4).

8.1.2. *Relevant children*: The financial arrangements will cover suitable accommodation costs and maintenance provision, educational goals and general assistance agreed in the pathway plan and available under Section 23B(8). The local authority will make an assessment of each *relevant* child's need in order to determine what advice, assistance and support is appropriate 23B(3)(a).

8.1.3. *Former relevant young people*: The financial arrangements will cover assistance with employment under section 23C(4)(a). Assistance with education and training under Section 23(4)(b) and (7). Assistance in general – Section 23(4)(c). Assistance with vacation accommodation for higher education or residential further education up to age 25 if required under Section 23C(9). These duties extend until the age of 25.

8.1.4. *Qualifying young people over 16*: The relevant local authority (as defined in section 24(5) of the 1989 Act must consider whether the person needs help of a kind the local authority can give. This will be assessed on an individual basis of need and we have a power rather than a duty to provide such assistance. *Qualifying* care leavers are entitled to vacation accommodation for higher education courses or residential further education courses if required under Section 24(B)(5).

8.2. Guidelines

8.2.1. Any young person who qualifies for a service under the Children (Leaving Care) Act 2000 is eligible to apply for financial assistance

under the guidelines of this document. Financial support can be in kind or may be in cash.

8.2.2. Levels of financial support will follow the guidelines in this document and will be agreed and set out in the pathway plan.

8.2.3. Eligible young people are financially supported as 'Looked After' children by the local authority.

8.2.4. The Young People's Teams (YPT) provide services to young people aged 14 – 25 in the process of leaving care and living independently.

8.2.5. We will aim to foster independence and to help young people handle money responsibly so they can cope by the age of 18.

8.2.6. If we are aware that a young person is abusing funds supplied for a specific purpose then under these circumstances the young person will be persuaded to comply or revise the plan. The local authority will have the final sanction to withdraw that particular item of support and revise the pathway plan.

8.2.7. We can deal with all significant financial matters on a young person's behalf (with their consent) if the young person demonstrates an inability to manage money.

8.2.8. Care leavers do not generally have to live in the local area to receive financial support. All services will be provided on a basis of assessed need.

8.2.9. The intention is not that we should take on all the costs associated with a young person's education, training or employment but that we stand ready to assist with those expenses, which cannot be met through other means.

8.2.10. The YPT will administer the financial support available to *relevant*, *former relevant* and *qualifying* young people over 16.

8.2.11. *Relevant* young people are eligible for the following:

- Accommodation and maintenance costs no less than the equivalent of IS/JSA/HB or Universal Credit, (where young people are in receipt of IS/JSA/Universal credit this payment will be deducted from this allowance).
- Allowances for training, transport etc (training allowances paid by training providers and payments made by employers may be considered as incentive payments to encourage young people to participate in education and work opportunities. This will be subject to a financial assessment on the pathway plan).

8.2.12. Payments will be prioritised as identified on the pathway plan. Areas that will be considered are:

- Costs detailed in paragraph 8.2.13 below.
- Education, training and employment needs, travel, equipment, and materials as set out in the pathway plan.
- Costs associated with health and development and special needs.
- Contact with family or other significant relationships
- Cultural/religious needs
- Clothing
- Leisure activities
- Counselling needs

8.2.13. Areas where financial assistance will be considered for *former relevant* and *qualifying* young people over 16 are:

- Travel costs associated with education/training
- Books and equipment for education/training/work
- Top up of the current funding available through school and college access funds / discretionary grants and loans
- Time limited financial assistance may be considered in a crisis or difficult circumstances, e.g. where there has been a claim for Job Seekers Allowance/ Income Support but no money will be received for three/four weeks

- Leaving Care Grant for purchasing essential items for moving into a permanent unfurnished tenancy
- Top-up of the leaving care grant where special needs requirements are identified in the pathway plan
- Additional short-term support packages for young people with additional or complex support needs
- Grant for purchasing essential items for moving into semi-independent furnished accommodation
- One-off payments towards some health requirements
- Financial support with vacation accommodation for Higher Education and residential Further Education courses up to 40 weeks a year
- Visits with family or other significant relationships up to two contacts a year within the UK
- UK passport/Birth certificate/identity card/provisional driving licence for ID purposes
- There is no provision for financial support with immigration applications and legal fee

8.2.14. If the young person does not already have a bank account, then the social worker should encourage them to open an account.

8.2.15. Young people who have access to savings, criminal injuries compensation or independent funding over £8000 (not including funding available for continuing education) will not generally be immediately eligible for a leaving care grant. The leaving care grant may be delayed for release subject to assessed need. This will also generally apply to financial assistance under **S23C (4), 23C(9), 23(4)(b) and (7), 24A and 24B**. Young people should appeal against this decision through the team leader or complaints procedure should they feel that they have worked hard to save this money.

8.3. New financial arrangements.

8.3.1. Young people who are employed or seeking employment, or in receipt of education or training described in a plan prepared under paragraph 19(B) of schedule 2, can be assisted by:

- Contributing to expenses incurred by him/her in living near the place where s/he is, or will be, employed, or seeking employment, or in receipt of education or training.
- By making a grant towards education or training expenses.

8.3.2. If young people are being helped with education and training this can continue to the end of the agreed programme even if this takes the young person past the age of 21.

8.3.3. Funding for those in Higher or Residential Further education courses is available to all care leavers up to the age of 25.

8.3.4. If a young person moves to a different local authority, the responsible authority can transfer funding to the local authority where the young person is living if this is the most convenient way of proceeding.

8.3.5. Assistance given by the local authority under **S24A** 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 if in receipt of income support or universal credit.

8.3.6. *Eligible, Relevant, Former Relevant* & Qualifying young people will in addition to the support of the local authority be eligible for the 16 –19 Education Bursary and can apply to college Learner Support funds.

8.3.7. *Former relevant* young people should derive their income from the same sources as their peers – employment, student loans, welfare benefits etc. The Benefits Agency disregards payments under **S23C**.

8.3.8. Other Local Authority care leavers can be provided with emergency financial support under S17 Children Act 1989 while negotiations take place with the responsible local authority.

8.4. Procedures for financial assistance

8.4.1. The **Leaving Care Grant** is available to young people leaving RBG care and eligible for services under the Children (Leaving Care) Act 2000. It is there to assist care leavers in establishing themselves in their own independent housing tenancy. This may be through the purchase of household items and other essential costs during this transition. This is currently (May 2014) up to £2000 and will be paid based on assessed need.

8.4.2. Leaving care grants are generally agreed when young people are between the ages 18 – 21 and moving into an unfurnished tenancy.

8.4.3. The leaving care grant application form is completed by the young person's social worker/personal adviser. A team leader approves the grant. The team co-ordinator then processes this through the finance department. It is not usually released automatically to the young person. A social worker/PA will generally assist with the purchase of items.

8.4.4. Young people moving into furnished semi-independent or temporary accommodation after leaving care are eligible for an additional grant of £100 for the purchase of bedding and household utensils.

8.4.5. Young people who are in receipt of Job Seekers Allowance/Income Support/Employment Support Allowance/Universal credit will be encouraged to apply for a Social Fund grant to purchase essential items. The amount provided is variable. Applications are more likely to be successful if the social worker/personal adviser provides assistance. The leaving care grant is designed to meet the special needs of young people leaving care over and above the needs of other young people and therefore is not simply a duplicate to the social security system. (Children (leaving care) Act 2000 Regulations and Guidance 3.43 & 3.46.)

8.5. Financial Support to *Relevant* Children

8.5.1. Accommodation costs are invoiced by the housing provider to YPT.

8.5.2. A maintenance allowance equivalent to Income Support/Job Seekers Allowance/component of Universal credit.

8.5.3. Travel to support education/training and local contacts will be paid up to £13.50 per week. Additional requirements are subject to assessment of need.

8.5.4. Maintenance and travel allowance will be paid through a weekly voucher system administered by the appropriate social work team and Borough Treasurers or bank account where appropriate.

8.5.5. Other payments may be prioritised and agreed in the Pathway Plan. Payments can be made in respect of the following:

- Education, training and employment needs
- Costs associated with health and development and special needs
- Contact with family
- Cultural and religious needs
- Clothing
- Leisure activity
- Counselling
- Other identified needs

8.6. Financial support to *former relevant* and *qualifying* young people over 16

8.6.1. Young people who have left care and are living on a low income can request one-off payments as outlined under paragraph 8.1.3. Before doing this they need to apply for all the benefits and entitlements available through the benefits, education and health systems.

8.6.2. Requests for financial assistance in this category can be made directly to the YPT verbally or in writing. The social worker or personal adviser will complete a financial request. The team leader may approve this request. The young person may be asked to put their request in writing.

8.7. Financial assistance in Further and Higher Education.

8.7.1. All requests for financial assistance towards education expenses will be processed by the social worker/personal adviser. A financial request will be completed on behalf of the young person. The request must be checked and approved by a Team Leader.

8.7.2. Vacation accommodation in Higher Education will be provided for by the payment of 16 weeks rent and service charge to qualifying young people and young people assessed to have a reasonable income. 40 weeks' rent and service charge will be provided to *former relevant* young people. The service charge will not include food. Young people will be expected to provide evidence of their college registration for each academic year and details of their housing rent account. The payment will be made during the academic year.

8.7.3. The team leader will ensure written confirmation of a decision where a request has been made for extended funding towards education expenses. This will explain the limits of any agreement made under the Children (Leaving Care) Act 2000. Any decisions made will be reviewed on a term-by-term basis and on the basis of attendance, application and achievement.

8.7.4 Local Authority Higher Education Bursary

The Children Act 1989 (Higher Education Bursary)(England) Regulations 2009 sets out the regulatory framework. £2000 is paid by Royal Greenwich Children's Services in 3 instalments over 3 years.

8.8. Charitable applications

8.8.1 Applications can be made to educational trusts and charities where no statutory funding is available. This is particularly relevant for young people who are over 20 years and unable to access benefits while in education.

8.8.2 There are four main charities operating in the London area that are able to give grants for maintenance costs as well as other costs associated with studying. There is also a range of smaller charities that give donations towards the cost of other needs such as books. Each of these charities has their own criteria and procedures. Where a large grant has been applied for the four main charities will often communicate with each other and raise the needed amount between them. All contributions made by charities and any other income will need to be declared to all charities approached.

- SIR JOHN CASS'S FOUNDATION
- THE BUTTLE TRUST
- SIR WILLIAM BOREMAN'S FOUNDATION
- LAWRENCE ATWELL CHARITY
- THE MERCER'S COMPANY

8.9 Help with special needs refer to: *Further Education for young people with learning difficulties and/ or disabilities. Funding Guidance 2001 - 2002.*

8.10. Access to Learning Funds College/Schools Hardship Fund.

8.10.1. Some schools and colleges run hardship funds or have sponsorship or bursaries to offer any of their students who are facing financial difficulties. Applications should be made to the particular school, college or university.

8.10.2 College Learner Support Funds. These are available to assist students, who are, or whose families are, on a low income or in particular financial difficulty. These are run by further education

colleges for their own students. The money can be used for costs associated with studying such as books and stationery.

8.10.3 There will be a need to ask the individual colleges for their policy/eligibility criteria on allocating funds.

8.10.4 Costs that may be met from the schools and colleges may include:

- Fares to get to and from college
- Books and equipment
- Extras like field trips, living expenses, if studying away from home
- Registration and exam fees

- Childcare costs – limited number of free or subsidised child care places for students on benefit or low income. If these places are full the student can apply to the Children’s Information Service for help with child care costs.
- Dance and drama awards for new students.
- Tuition fees over 20 if you are claiming a means tested benefit, universal credit, not earning and dependant on someone else claiming benefits, or learning English as a second language.

8.11 Benefits Whilst in Education

Under 21 in full time non-advanced education

8.11.1. When a young person over 16 remains in full time education up to A level or GNVQ level 3, their family can claim child benefit or eligible child dependency additions. Young people over 18 leaving care can claim Income Support on the grounds that they are estranged from their parents, living independently and are in full time ‘relevant’ education. This benefit will change to Universal credit by 2017.

8.11.1. Young people may be eligible to claim:

- Income Support and Housing Benefit/Universal Credit if over 18, estranged and living independently.
- Financial assistance through the schools and colleges Learner Support Funds.
- Support under the Children (leaving care) Act 2000.

Over 21 in full time non-advanced education

The Government's Work Programme provides young people between 18 – 24 with opportunities to get up to NVQ level 2 or its equivalent whilst claiming benefit if they have been claiming JSA for 6 months. Care leavers are a priority group and can enter these programmes immediately.

Students aged over 21 in full time non-advanced education are generally not eligible for Job Seekers Allowance/Income Support and Housing Benefit/Universal credit.

They may only claim benefit if studying part time under the DSS 16 hours 'guided learning' rule if 3 months prior to beginning the course they have been unemployed or sick and getting Job Seekers Allowance, Income Support, Employment Support Allowance or a Youth Training Allowance. They must be prepared to give up the course if a suitable job comes up and must be actively seeking work during the remaining hours. This can apply if in the last 6 months they have received these benefits for a total of 3 months. This time period can only begin after ceasing to be in 'relevant' education.

Eligible for:

- Charitable applications
- Funding through the School and college Learner Support Funds
- To request support under the Children (leaving care) Act 2000.

Not Eligible for:

- IS/JSA and HB/Universal credit

- Student loans and Maintenance grant

Advanced Education – University

Eligible for:

- Student Loans
- Student Maintenance Grant
- Access to Learning Fund
- Charitable applications
- Vacation accommodation costs under Children (leaving care) Act 2000.
- Local Authority Higher Education Bursary

Not Eligible for:

- IS/JSA/HB – Universal Credit.
- Existing students receive lower amounts than the maximum below.
- Students living at the home of their parents receive less money. Students with children or a disability check for additional information

8.12 STUDENT FINANCE England 2012/13

www.direct.gov.uk/SFForms10 or use calculator
www.direct.gov.uk/studentfinancecalculator

London

TUITION FEE LOAN up to £9,000.

MAINTENANCE LOAN Up to £7,675

MAINTENANCE GRANT (or special support grant) non repayable
£3,250.

UNIVERSITY BURSARY

Outside London

TUITION FEE LOAN up to £9000.

MAINTENANCE LOAN Up to £5,500

MAINTENANCE GRANT (or special support grant) non repayable
£3,250.

UNIVERSITY BURSARY .

If in receipt of a Maintenance Grant, the Maintenance Loan will be reduced.

CHILD CARE GRANT

85% of your child care costs during term time and holidays up to
£148.75 a week for 1 child and £255 a week for 2 or more children.

PARENTS LEARNING ALLOWANCE

Course related costs with dependent children. Between £50 and
£1,508 depending on household income.

CHILD TAX CREDITS

Working students can also claim Working Tax Credit. If in receipt of
the child care element of Working Tax Credit Child care Grant cannot
be claimed.

INCOME SUPPORT

A full time student cannot claim IS unless you are a single parent or a
disabled student who qualifies for the Disability or Severe Disability
premium or who qualifies for the Disabled Students allowance because
of deafness.

HOUSING BENEFIT

Most full time students of higher education are not entitled to Housing Benefit except when a single parent or disabled student or part of a couple who are both students with dependent child/children

COUNCIL TAX

If a student lives in a house where all the occupants are full time students, the household will not be charged council tax. A council tax form should be completed accurately and on time.

THE CHILDREN ACT (Higher Education Bursary) (ENGLAND) REGULATIONS 2009.

£2,000 paid by RB Greenwich Children's Services in 3 instalments over 3 years.

RB GREENWICH CHILDRENS SERVICES FINANCIAL SUPPORT with (Higher Education Vacation Accommodation) Children (leaving care) Act 2000.

40 weeks rent paid generally in 3 instalments over the academic year. NHS students in receipt of the full 45 weeks financial support will not receive this support. NHS students in receipt of the full 30 weeks support will receive 16 weeks of rent payments. Qualifying young people will receive 16 weeks of rent payments. Where a young person has access to significant finance/capital this will be considered when agreeing financial support.

NHS BURSARY SCHEME

General enquiries Tel. 0845 358 6655

Medical courses

30 weeks attendance

Tuition fees paid directly by the NHS

Eligible to Student Finance

London

Maintenance Loan	£3,263
Maintenance Grant non means tested	£1,000
Bursary means tested	£3,128

Outside London

Maintenance Loan	£2,324
Maintenance Grant non means tested	£1,000
Bursary	£2,591

45 weeks attendance

Tuition fees paid directly by the NHS

Eligible to Student Finance

London

Maintenance Loan	£3,263
Maintenance Grant non means tested	£1,000
Bursary means tested	£5,460

Outside London

Maintenance Loan	£3,263
Maintenance Grant non means tested	£1,000
Bursary means tested	£4,395

9. Complex Support Needs

9.1. It is recognised that there are a small number of care leavers who, as they move into independent living, continue to have high level support needs. The current semi-independent provision does not adequately address these additional needs.

9.2. Some additional funding is currently available to support the additional complex support needs identified on a young person's pathway plan. The aim of this is to help young people maintain a tenancy after leaving care. This support may be provided in partnership with the independent sector.

9.3. Provision can therefore be made on the basis of a detailed Pathway Plan to identify the additional support required to ensure a successful transition to independent living. It is envisaged that this increased level of support will gradually be reduced and will not generally continue beyond one year. There is semi independent accommodation of varying levels of support available until the age of 21. Young people who have severe difficulties for reasons of a learning disability and or mental illness will be referred to Adult Services.

10. Staying Put Arrangements, housing and support services

10.1 Young people should not be expected to move whilst they are completing a recognised programme of education or training in year 13 and when other circumstances in their lives suggest that the demands of moving to new accommodation would make them particularly vulnerable.

10.2 A 3-monthly meeting is held between the leaving care team, young people's teams and housing managers to discuss the move on plan 6 months prior to age 18.

10.3 If a Staying Put Arrangement is required an application is made to the Group Leader for authorisation and funding agreement.

10.4 Greenwich Children's Services (CS) and Housing Services (HS) are committed to working together to provide services to children and young people that will:

- Prevent homelessness
- Support independence, access to decent housing and tenancy sustainment
- Meet the Council's statutory duties through provision of excellent services to children and young people in need.

10.5 There is a joint working procedure in place between Royal Greenwich Children's Services and Housing Services to ensure care

leavers in housing need are provided with suitable accommodation for the transition to independent living.

11. Care leavers with No Recourse to Public Funds

Unaccompanied asylum seeking children or those without a resolved immigration status making the transition from care to adulthood have both a leaving care status and an immigration status. Planning the transition to adulthood needs to address the young people's care needs in the context of the wider asylum and immigration legislation. A transitional plan may be required during the period when the young person is staying in the UK without permanent immigration status. It may be appropriate to plan for a return to their country of origin where a young person decides to make a voluntary return or where they are required to do so. If they do not have access to public funds, contingency arrangements are required to support these young people with their accommodation, education, health, financial, religious and cultural needs. See the RBG Separated Children guide for further detail.

11.1.1 Care leavers with no recourse to public funds are required to provide evidence of their immigration status and ID. If unable to do this an application needs to be made for immigration status.

11.1.2 Care leavers with no recourse to public funds would become homeless and destitute without the provision of financial support and accommodation. They will therefore be regarded as requiring temporary accommodation and temporary subsistence.

11.1.3 Temporary financial assistance under this section will include rent, council tax, and subsistence equivalent to Section 4 Immigration and Asylum Act 1999/DWP support. This financial support does not include additional payments towards utilities, TV licence; phones; sky TV and other expenses such as accrued debts.

11.2 Housing

11.2.1 Care leavers with no recourse to public funds will be provided with accommodation in the local area with providers where the local authority has agreed arrangements.

11.2.2 Any abuse of accommodation provision/breach of tenancy agreement can lead to withdrawal of the accommodation and re assessment of need.

11.2.3 One suitable offer of accommodation as outlined below will be made within an agreed rent limit. The accommodation is generally furnished rented accommodation.

- A room in a shared house is considered suitable for a single person. One bedroom flats will only be considered for safety, disability needs or dependent on the availability of resources.
- A one bed flat is considered suitable for a parent and child under age seven.
- A two bed flat is considered suitable for a parent and two children.

11.2.4 Accommodation will continue to be provided until:

- The care leaver receives leave to remain in the UK and becomes eligible for housing benefit, income support/JSA/universal credit and council housing. When benefit is confirmed/in receipt 28 days notice will be given to seek alternative accommodation council/private funded through work or housing benefit.
- The care leaver is served with removal directions/deportation.
- The care leaver is age 21.
- The care leaver becomes ineligible for local authority support due to legislative decisions.

- Care leavers who leave the UK will not be accepted back under leaving care arrangements.

11.3 Finance

11.3.1 Care leavers requiring continued financial support with accommodation and subsistence are required to maintain monthly contact with the local authority.

11.3.2 Care leavers must show evidence of actively seeking education/training if eligible.

11.3.4 Care leavers receiving continued financial support will be required to show evidence of apparent income and declare assets. 28 days notice will be given to cease payments where evidence has been refused or it is apparent from lifestyle that the young person has an income.

11.3.5 Tuition fees and other private college education costs will not be funded. Care leavers must be able to access publicly funded education establishments including access to loans and maintenance grants available to home students.

11.3.6 Care leavers requiring continued funding but who have a partner who has an income will be expected to be supported by their partner as required under the DWP rules and regulations.

11.3.7 The Leaving Care Grant can be made available to a care leaver with no recourse to public funds for a ticket to return to their country of origin should this be required.

11.4 End of service

11.4.1 A Human Rights Assessment will need to be completed prior to giving consideration to ending the service to a young person under age 21.

11.4.2 Care leavers with responsibilities for children or have a significant disability will be referred to the nil recourse team for further assessment and support at age 21. An assessment under the Community Care Act 1990 will be required to establish eligibility to S21 support under the National Assistance Act 1948.

11.4.3 Care leavers will be given 2 months notice prior to age 21 that funding will be discontinued and advised to make a voluntary return to their country of origin. Young people who submit new asylum applications will be required to apply for Section 4 support under the Immigration and Asylum Act 1999.

12. Care leavers under the age of 25 who wish to take up a programme of education or training

12.1 Section 23 of the Children and Young Persons Act 2008 (which amends s23D of the Children Act 1989) extends the entitlement to a personal advisor, and assistance in connection with education or training, to *Former Relevant* young people resuming programmes of education or training after the age of 21. The provision applies to any young person who is a *Former Relevant* young person aged over 21 and less than 25 years old.

12.2 Care leavers under the age of 25 who wish to take up a programme of education or training will have an entitlement to resume support from a personal adviser.

12.3 Plans for education are to be regularly updated as part of the pathway planning and review process.

12.4 Young people wishing to return to education post age 21 will need to make this request in writing. They will be offered an interview with a personal adviser.

12.5 The decision to agree a program of support will be made by the team leader, in line with the assessment of need and the principles listed below.

12.6 Once the letter requesting support has been received, an assessment of need will be carried out with the young person. This will refer to the most recent Pathway Plan completed before the 21st birthday.

12.7 The young person will be informed of the decision in writing within 10 working days.

- Any request for support with education or training made by a young person over the age of 21 will be subject to an assessment process as detailed below, and should not be seen as an automatic entitlement
- The scope of the support to be provided will be based on individual need. For example, whether or not additional support is required will be individually assessed. All available sources of support will be explored in considering any request, and alternative sources of primary funding will always be taken into account.
- The most recent Pathway plan completed on or around the 21st birthday will be used as a reference in the decision making process.
- The decision making process will be guided by the Regulations and Guidance Volume 3, Section 3. Requests will be assessed flexibly in considering the support to be offered to young people.
- The assessment process should consider whether the young person has demonstrated commitment to the chosen programme of education or training
- The young person should have an overall plan regarding what they hope to do when the programme is completed.

13. Transition to Adult Services

13.1 *Eligible* children and young people's needs will be assessed at age 16 under the Children (leaving care) Act 2000. Young people assessed to have additional complex needs requiring a high level of support will be referred to the Adult Services Transition Panel. This panel will consider the FACS criteria and whether their needs are best met through the provision of a vulnerable adult service. This may be required as a consequence of significant mental impairment as a result of a learning disability and or mental illness and other social and behavioural difficulties.

14. Representations and Complaints

14.1. Complaints – Refer to the *Royal Greenwich Children's Services Complaints Guidance*

14.2 Advocacy – Refer to the *Royal Greenwich Children's Services Complaints Guidance*

End