



## INFORMATION PAPER

### Young people from care need to be able to stay in care or return to care until they are 26 years of age

*"If I didn't have to leave my unit at 16, I don't think I would have ended up in jail"*

Who Cares? Scotland has a vision of a Scotland where all young people from care are understood, believed in and given every opportunity to thrive. We believe that Scotland can ensure it is the 'best place in the world to go grow up' for all children and young people; and that **Scottish Ministers can achieve this by legislating in Part 8 of the Children and Young People (Scotland) Bill for young people to be able to stay in and / or return to care up to 26-years of age.**

At 16 years of age, most young people in care need to go on a journey which most parents would never want for their own children. Not only are they forced to say good-bye to the placement which they called home for however many years – but they also have to say good-bye to the people in their lives which they built up relationships with. In fact, for most young people who leave care, this is the biggest trauma of all. Unlike most other young people, they are not afforded the option of 'going back home' – once the care home door shuts, it stays shut and there is no looking back for Scotland's care leavers. **Relationships matter to these young people, and to allow them to transition from their teenage years, to becoming a young adult successfully, it is important that the relationships which they value and trust and which took time to get to that point, are not taken from them at the age of 16 or 18 years so abruptly.**

We have a chance to give Scotland's young people from care a life-line. That's a life-line for around 1,300 of Scotland's most marginalised and disadvantaged young people each year.

It would take 5-years from the enactment of the Bill for this happen.

It would make Scotland a global leader on care.

It would facilitate the preventative spend and early intervention agenda which GIRFEC, the Bill and this Government has as its cornerstones.

It would help redress the poor outcomes and social and well-being indices which care leavers score so low on.

#### What would this do?

- Decrease the number of young people who die prematurely or who end up in prison.
- Decrease the number of young people who rely on homelessness legislation to be housed
- Decrease the numbers of young people who experience mental health issues
- Decrease the number of young people who are reliant on welfare to 'get by'
- Increase the numbers of young people in a positive destination – i.e. in employment, training or education
- Increase the numbers of young people from care who are positively represented in Scotland

**These young people deserve this – and we have the power to make it happen.**

## 1. WHAT IS MISSING IN PART 8, ESPECIALLY IF THE PROPOSAL AS IT CURRENTLY STANDS, IS TO SUPPORT A CARE LEAVER UP TO 26 YEARS OF AGE?

As it stands, the Bill currently states that a care leaver will have their needs assessed<sup>1</sup> by the Local Authority. Based on this assessment, it is then up to the Local Authority to determine if the young person is in enough need<sup>2</sup> to warrant some 'advice, guidance or assistance' to help them out<sup>3</sup>. The Bill places the responsibility on the young person to present to the Local Authority to ask for this help<sup>4</sup>.

It is also unclear and a little ambiguous as to what the assessment process will actually look like<sup>5</sup>. Therefore, the main risks of the proposals are that:

- The assessment process will assess need on priority. **What happens where the young person has a need, but they are not deemed a priority?**
- Care leavers only likely to seek this help and undergo the assessment where they are approaching or in crisis. **This impacts negatively on the potential for the Local Authority to intervene early and put solutions into place to prevent the young person getting anywhere near the crisis point<sup>7</sup>.**
- Early intervention for care leavers means **earliest intervention** and Part 8 of the Bill is not allowing for this. The risk is that the assessment process and the subsequent support, guidance or advice put into place, **will not come at the earliest possible point for the care leaver.**
- This creates complexities for creating an assessment process which accurately and routinely (very important), determines both the current point in time need of the care leaver (i.e. today as they present), along with the medium to longer term needs of the care leaver (i.e. next month, next year and so on). **The focus on point in time need creates a huge risk in itself, of again, only ever 'fire-fighting' and crisis managing a care leaver's current situation.** This in itself is a costly and resource intensive process.

## 2. WHAT WE PROPOSE TO CHANGE IN PART 8 OF THE BILL

Who Cares? Scotland wants to see the assessment process in Part 8 being removed altogether. We want this so that the responsibility is not on the young person to present as being in need. We want young people up to the age of 26 to be able to return to care. This will place the responsibility of recognising and meeting the need of young people on the Local Authority.

We also want the current provisions to allow for children and young people who have been looked after for a continuous period of 13 weeks up to and including 16 years of age to be able to remain in care up to 26 years of age. This means that the relationships which they held whilst in care up to 16 or 18 years of age could continue, instead of them being severed abruptly in the way they are just now. Legislation which facilitates this is the key to the solution. This would also remove the need for a care leaver to negotiate with a range of other - and in

<sup>1</sup> The level of support for the care leaver is going to be measured / assessed (Part 8, Paragraph 60, Section 2)

<sup>2</sup> The assessment process will be applied to determine 'eligible needs' of the care leaver (Part 8, Paragraph 60, Section 2, Sub-section C); where 'eligible needs' is to be determined by Scottish Ministers in relation to a care leaver's 'care, attention or support' needs (Part 8, Paragraph 60, Section 2 Sub-section E)

<sup>3</sup> 'Advice, guidance and assistance as it considers appropriate having regard to the person's welfare' (Part 8, Paragraph 60, Section 2, Sub-section C)

<sup>4</sup> The responsibility implied seems to lie with the care leaver to seek this support (Part 8, Paragraph 60, Section 2)

<sup>5</sup> How is the level of support for the care leaver is going to be measured / assessed (Part 8, Paragraph 60, Section 2)

<sup>6</sup> Where priority determinant will likely be based on a normative criteria as set by Scottish Minister's (similar to the Homelessness etc. (Scotland) Act 2003 assessment's process)

<sup>7</sup> Likelihood that the service via Part 8 of Bill will predominantly be focussed on redressing the crisis / impending crisis, which is both costly and least effective in facilitating medium to long-term service planning strategies for the care leaver.

most cases new - professionals to then undergo various associated assessment processes to be both accommodated and supported<sup>8</sup>.

We therefore recommend that the inclusion of the following principle for the Bill and detailed guidance to outline what this means should be included: **all children and young people are supported to develop long-term, sustainable and nurturing relationships with their families and/or professionals.**

I went from lots of people in care to just me in a flat with a worker visiting me once a week. In the area I hadn't chosen; I wasn't ready, I had been in care all my life. It should have happened more slowly.

Who Cares? Scotland is adamant that this is the only way to properly tackle and redress the ridiculously poor outcomes which care leavers across Scotland experience.

**By doing this, the Local Authority would also have to regularly monitor and review young people's need on an on-going basis up to 26-years of age.** The data gathered in this way, for young people from care up to 26 years of age, would therefore help local and national government better understand the issues and outcomes over time of them – which would help in informing services for future generations of young people in the care system in Scotland. It would also go some way to redress the poor longitudinal pathway data which exists currently for young people from care.

### 3. WHY THIS MATTERS

Scotland's care leavers face bleak futures; and in many cases futures which they have little or no real control over. At 16 years of age, most young people in care need to go on a journey which most parents would never want for their own children. Not only are they forced to say good-bye to the placement which they called home for however many years – but they also have to say good-bye to the people in their lives which they built up relationships with. In fact, for most young people who leave care, this is the biggest trauma of all.

Young people, at the age of 16 years old (and in some cases 18 years of age) are then expected to take care of themselves. Yes there are organisations and professionals which they can get help and support from; yes there is welfare support which they can access; yes they can access education

I needed more support and was left to get on with it. Throughcare was a joke and no help to me at all and no one from the unit kept in touch with me and I wish all this was different as I needed a lot of support from these people and got none.

<sup>8</sup> The specific asks proposed are drafted as follows:

- An application made by a person under section 29, subsection (2) [of the Children Scotland Act 1995], to continue to be accommodated, or to return to being accommodated with their current or former placing local authority should be accepted.
- The duty to provide advice, guidance and assistance to this person (to the age of 26 years old) continues as required and as appropriate with regards to the person's welfare and their needs in relation to their care, attention or support levels.
- This duty is not discharged where the person under section 29, subsection (2) [of the Children Scotland Act 1995] leaves their accommodated status before reaching 26 years of age; leaves and then returns to their accommodated status before reaching 26 years of age once or multiple times; remains in their accommodated status continuously to 26 years of age.

and employment opportunities; yes they can access housing and yes they can dream and look forward to their future in the same way as other young people. However without someone by their side who they know and trust, guiding them through thick and thin; pointing them in the right direction and helping to get them back on track where they take a wrong turn, then chances are, these young people won't even know where to start with planning for their future. Resilience alone won't help them achieve this and the thought of having to do it alone or with people who are 'new' to them... is probably the most daunting of all.

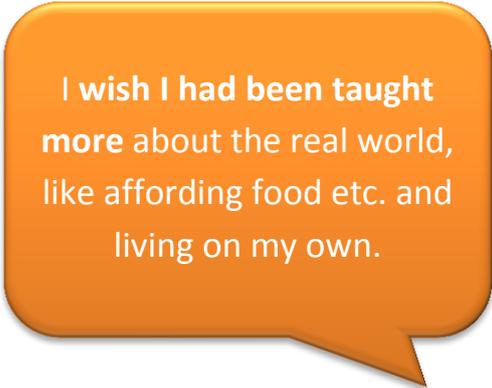
Right now, it is up to the discretion of a Local Authority as to whether they provide support to a care leaver after they leave care, and this links into their economic status - i.e. if they are in employment, education or training<sup>9</sup>. This current support does not go far enough to provide the support they need and deserve. Most care leavers formally leave care at 16 or 18 years of age; with relatively few still in the 'system' to 21 years of age<sup>10</sup>. **A positive economic status at 16 or 18 years of age is quite an ask for a young person from care and the range of social and well-being indices and outcomes which surround them, are not encouraging and evidence of just how vulnerable they are.**

**Education:** The number of looked after children who leave care and enter and sustain a positive destination (i.e. are in education, employment or training) is also lower when compared to non-looked after peers - **64%** of looked after children who left school during 2010/11 were in a positive destination at the time of the initial destination survey, compared with **89%** of all school leavers. Six months after entering their positive destination, this percentage dropped to **55%** for looked after children – so sustaining their positive destination is an issue<sup>11</sup>.

**Housing:** A young person from care should never have to present as homeless to be accommodated and it is estimated that around 1/3 of the current care leaver population have had to present as homeless to be housed.

**Criminal Justice:** 50% of Scottish prisoners have been in care<sup>12</sup> and the Polmont prisoner population is estimated at 80% from a care background.

**Mental Health:** 45% of those aged between 5 to 17 years of age were assessed as having a mental disorder.<sup>13</sup>



I wish I had been taught more about the real world, like affording food etc. and living on my own.

**LET'S GIVE YOUNG PEOPLE FROM CARE A CHANCE WITH THIS BILL – THEY REALLY DESERVE IT – AND WHEN WILL THIS OPPORTUNITY COME AROUND AGAIN IN SCOTLAND? IT'S TIME.**

**FOR FURTHER INFORMATION**

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<sup>9</sup> See table 3.5 for LA and national overview on the provision of aftercare services based on economic status - <http://www.scotland.gov.uk/Topics/Statistics/Browse/Children/PubChildrenSocialWork/ChildrensSocialWorkStatistics2011-12AdditionalTab1>

<sup>10</sup> For a full breakdown of ages of care leavers, please see most recent Scottish Government statistics, which can be accessed directly at <http://www.scotland.gov.uk/Topics/Statistics/Browse/Children/PubChildrenSocialWork/ChildrensSocialWorkStatistics2011-12AdditionalTab1>

<sup>11</sup> Ibid

<sup>12</sup> HM Chief Inspector of Prisons for Scotland (2009) Annual Report, 2008-09, Edinburgh: The Scottish Government.

<sup>13</sup> Meltzer (2004) as referenced by Scottish Government (2006) accessed directly via <http://www.scotland.gov.uk/Publications/2006/06/07103730/4>