

Planning for leaving care and transitions

Research informing legislation

- Focused on indigenous care leavers
- Outcomes for care leavers nationally poor
- Disproportionate numbers of care leavers leave school without qualifications
- Care leavers figure high on homeless statistics
- Disproportionate numbers of care leavers feature within the penal system and in psychiatric care

Policy context

The Children (Leaving Care) Act 2000 is based on:

- *Me, survive, out there? New arrangements for young people living in and leaving care (July 1999)*

Policy context (continued)

...and enacts the commitments made in:

- The White Paper: Modernising Social Services (1998)
- The government's response to the Children's Safeguard's review (1998)

Aims of the Children (Leaving Care) Act 2000

- To improve the life chances of young people living in and leaving care
- Delay their discharge from care until they are prepared and ready to leave
- Improve the assessment, planning and preparation for leaving care
- Provide better personal support for young people after leaving care
- Improve financial arrangements for care leavers

Eligibility criteria

- **Eligible children:** children aged 16–17 who have been looked after for at least 13 weeks since the age of 14 and who are still looked after
- **Relevant children:** children aged 16–17 who have been looked after for at least 13 weeks since the age of 14 and who have left care

Eligibility criteria (continued)

- **Former relevant:** those aged 18–21 who have either been eligible or relevant or both.

If at 21 they are still being helped by LA with education or training, they remain a former relevant young person until the end of the agreed programme of training. (Cut-off point is 24)

Eligibility criteria (continued)

- **Qualifying children:** aged 16–18th birthday, leaves care and was looked after for less than 13 weeks since age 14

Entitlements and services

- Needs assessment
- Pathway plan and reviews
- Personal advisor
- Accommodation
- Assistance with education, training, employment
- Keeping in touch
- Vacation accommodation
- Financial assistance

Asylum seekers leaving care

Young asylum seekers approaching adulthood are, unlike their indigenous peers, at risk not just of social exclusion as they leave care but also of having citizenship denied to them.

(Kohli 2002)

Child care legislation and immigration

Local authorities have a duty to provide leaving care services and support to all those young people who are leaving care, including asylum seeking and refugee young people

Exceptions and issues

- LAs have no duties once a young person has been removed from the UK
- LAs differ in the way they interpret the law re when services can be withdrawn
- LAs considering withholding or withdrawing leaving care services would be subject to test of whether doing so would breach a young person's human rights

Human Rights Act principles

J Justification

A Authorisation

P Proportionality

A Auditability

N Necessary

Principles (continued)

- **Justification** – Are you acting lawfully?
- **Authorisation** – Are you acting according to established policy/protocol?
- **Proportionality** – Are your actions proportionate to the needs and circumstances of child/young person?
- **Auditability** – Are your actions able to be subject to retrospective scrutiny?
- **Necessary** – Are your actions 'good enough'?

Five year strategy

Home Office (2005) *Making Migration Work for Britain – Five year strategy for asylum and immigration*

- New asylum model
- Those recognised as refugees will be granted temporary leave
- Will be able to access housing, benefits, work, etc.
- After 5 years, permanent status would be granted

Five year strategy (continued)

However

Temporary leave is reviewable –
can be revoked at any time
and person is expected to
leave the country
if it is decided that it is safe to
return to country of origin

Impact on planning for refugee young people

- Long-term levels of uncertainty
- Possible consequences on health, integration, settlement
- Impact on support, what can be planned for
- Foot in two camps and settled in neither

Care planning for asylum seeking and refugee children and young people

- Planning for different outcomes
- Dual care planning, contingency planning, parallel planning, twin-track planning

Next steps...

How do we plan for these possible realities?

What do we need to consider?