

CHILDREN (LEAVING CARE) ACT 2000

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

3. This Act implements the proposals set out in the consultation document *Me, Survive, Out There? – New Arrangements for Young People Living in and Leaving Care* published in July 1999. The consultation document set out detailed proposals for improving the life chances of young people living in and leaving local authority care. It followed up the White Paper *Modernising Social Services* (Cm 4169) and *The Government's Response to the Children's Safeguards Review* (Cm 4105), both published in November 1998. These documents both included a commitment to legislate when Parliamentary time allowed to create new and stronger duties on local authorities to support care leavers up to at least 18.
4. The provisions of the Act except section 6 (exclusion from welfare benefits) extend to England and Wales. Sections 6 and 8 also extend to Scotland.
5. 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 in as stable a fashion as possible. To do this it amends the Children Act (c.41) to place a duty on local authorities to assess and meet need. The responsible local authority is to be under a duty to assess and meet the care and support needs of *eligible* and *relevant* children and young people and to assist *former relevant children*, in particular in respect of their employment, education and training. Key features and definitions are:
 - a) ***Eligible children*** are those in care aged 16 and 17 who have been looked after for a period to be prescribed. The age at which spells in care start to count towards eligibility will also be prescribed.
 - b) ***Relevant children*** are those aged 16 and 17 who meet the criteria for eligible children but who leave care. Regulations may exclude certain groups, such as children who return home permanently and children who receive respite care. Local authorities may, for example, take highly dependent children for short periods to give their carers a break. This group would remain the responsibility of their families and would not be eligible for the new arrangements even if their periods of respite care added up to the prescribed period for eligibility.
 - c) ***Former relevant children*** are those who before reaching the age of 18 were either eligible or relevant children.
 - d) ***The responsible local authority*** to be whichever one last looked after an eligible or relevant young person. That local authority will retain its responsibility wherever the young person may be living in England or Wales. At present responsibility falls to the authority in whose area they live. This has given rise to disputes over responsibility between authorities which the new arrangements are intended to avoid.
 - e) ***A duty to keep in touch***. The responsible local authority to be under a duty to keep in touch with all its care leavers who qualify for these new support arrangements, including those aged 18-21 and beyond in some cases.

*These notes refer to the Children (Leaving Care) Act 2000
(c.35) which received Royal Assent on 30 November 2000*

- f) **Pathway Plans.** All eligible and relevant and former relevant children and young people must have a Pathway Plan. This will take over from the existing care plan and will run at least until they are 21, covering education, training, career plans and support needed, for example to move into supported lodgings. Regulations may be made about Pathway Plans and their review. It is envisaged that they will be reviewed every six months or more frequently as needed.
- g) **Personal Adviser.** All eligible, relevant and former relevant children and young people must have a Young Person's Adviser (referred to in the Act as a personal adviser) who will help to draw up the Pathway Plan and to make sure that it develops with the young person's changing needs and that it is implemented. When the young person leaves care and until they are at least 21 the Young Person's Adviser will be responsible for keeping in touch with them and ensuring that they receive the advice and support to which they are entitled. Regulations may provide that children in other groups might also have Young Person's Advisors.
- h) **Vacation support.** The responsible local authority must assist care leavers in higher education, or in residential further education, with vacation accommodation where this is needed.
- i) **Assistance with employment.** The responsible local authority must assist a former relevant child (and may assist other care leavers) with the costs associated with employment to the extent that his welfare requires it.
- j) **Education and training support.** The responsible local authority must assist a former relevant child (and may assist other care leavers) with the costs of education and training up to the end of the agreed programme, even if that takes the young person past the age of 21, to the extent that his welfare and educational and training needs require it.
- k) **General assistance.** The responsible local authority must assist a former relevant child (and may assist other care leavers) to the extent that his welfare requires it, either in kind or, exceptionally, in cash.

New financial regime

- 6. The Act simplifies the arrangements for financial support of young people leaving care. Previously, young people who left care at 16 could claim welfare benefits. Depending on their circumstances these might have been Income Support, Housing Benefit or income-based Job-Seekers Allowance. .
- 7. The Act places local authorities under a new statutory duty to support these care leavers and at the same time removes entitlement to these means-tested benefits from *eligible* and *relevant* children.
- 8. These measures are intended to ensure that vulnerable young people receive the care and help they need to grow into independence. Local authorities provide far higher levels of support than simply cash, especially when they work across Departments to fulfil their role as corporate parents. They will be able to ensure that young people in and leaving care are suitably accommodated, supported and advised according to their needs, rather than simply given money and obliged to fend for themselves.

Exceptions

- 9. Regulations will provide for exceptions to the removal of benefits rule. It is envisaged that these will provide for cases such as lone parents and disabled children who would be able to claim benefits even if they were living with their parents. These young people will otherwise be eligible for the new arrangements under this Act.