



Centre for excellence  
for looked after children in Scotland

Briefing RS-2013-02

# Still Caring?

## Supporting Care Leavers in Scotland

Zachari Duncalf  
Louise Hill  
Kenny McGhee

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## Key Messages

- In Scotland, 3,662 young people were eligible for aftercare services on 31 July 2011.
- Approximately 1,000 young people leave care in Scotland each year meaning that there are approximately 3,000 care leavers aged 16 - 19 and 9,000 young people aged 16 - 25.
- Care leavers currently receive support up to the age of 19, or in exceptional circumstances up to the age of 21. This can be variable in choice, option and quality.
- Leaving care is a difficult transition to make and should be made when young people are ready, with the appropriate financial, practical and emotional support from services and individuals.
- Legislation, policy, practice and culture need to facilitate and recognise the importance of these needs for care leavers up to the age of 25 years and beyond (as required).

## Introduction

In 2011 there were 3,662 young people eligible for aftercare services across Scotland. Approximately 1,000 young people leave care each year from a range of care settings, meaning that there are approximately 3,000 care leavers aged 16 - 19 and 9,000 aged 16 - 25 currently living in Scotland.

This briefing paper outlines the legal, policy and practice positions for working with care leavers before going on to situate the importance of lived experiences of leaving care by young people and adult care leavers. We consider the gaps in provisions and the needs of care leavers up to the age of 25 as this is the age group suggested in the new Bill. We propose that there is an extension in legislation, policy and practice to support care leavers financially, practically and emotionally up to the age of 25 should they wish to receive this support.

## Legal framework

The Children (Scotland) Act 1995 provides the main legislative framework for the welfare of all children and young people in Scotland. Part II, Section 29

sets out the key duties of local authorities for the provision of advice and assistance for young people formerly 'looked after' by local authorities. These duties state:

- Local authorities shall, unless they are satisfied that his [sic] welfare does not require it, advise, guide and assist any person in their area over school age, under nineteen years of age, who is no longer looked after by the local authority;
- A person who is at least nineteen but less than twenty-one years may make an application to the authority to request that they provide him [sic] with advice, guidance and assistance;
- Assistance may be in kind or in cash.

Part II, Section 30 outlines the duty of local authorities to provide financial assistance **towards expenses of education or training and removal of power to guarantee indentures etc.** This states that local authorities may make grants to meet expenses connected to education and training. The local authority may also make contributions to the accommodation and maintenance of a person when unemployed/seeking employment or in

education/training. This grant support can continue after attaining the age of twenty-one until the education or training course is completed.

As set out in the **Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003 (Statutory Instruments No.608)**, local authorities have a statutory duty to prepare young people for ceasing to be in care ('throughcare') and to provide advice, guidance and assistance for young people who have ceased to be in care over school age ('aftercare'). These regulations set out: the role of the Pathway Coordinator, the conduct of a Pathway Assessment and review of Pathway Plans; they also outline access to confidential records, provision of assistance and appeal processes.

Under the Family Law (Scotland) Act 1985, parents have a general obligation to support their children up to 25 who are in further or higher education or training.

The Children and Young People (Scotland) Bill proposes to increase the power for young people to *request assistance* from the local authority up to the age of 25 (currently 21). We would strongly advocate an extension of a **duty to provide assistance** for care leavers up to the age of 25 and beyond (as required) and that, furthermore, there are mandatory minimum requirements for local authorities and others as corporate parents.

## Policy

There has been recognition in national policy of the need to improve support for care leavers in Scotland. *More Choices, More Chances* (Scottish Executive, 2006), *Looked After Children and Young People: We Can and Must Do Better* (Scottish Executive, 2007) and *These are Our Bairns: a Guide for Community Planning Partnerships on*

*being a good corporate parent* (Scottish Government, 2008) are some of the guidance and policy outlines which have stressed the importance of the support we need to give young people in our care and our care leavers. Local authorities have a key role as corporate parents to these young people, particularly those who cannot return to their families. This means the local authority should look after these young people as any other good parent would:

*'The state as parent has a unique relationship with looked after children and care leavers and should continue to support them in the transition to adulthood, as any reasonable parent would, especially after they turn 18 and the protections associated with being a looked after child are withdrawn. Corporate parenting is not just about looked after children, it is about the continuation of support – no reasonable parent would leave their child to fend for themselves at 18, nor should the state. Local authorities should focus and prioritise care leavers at all levels of the council, not just within Children's Services.'* (NCAS, 19 September 2012)

Work carried out by the National Care Advisory Service in England has produced a report entitled **Access All Areas** (NCAS, 2012) which aims to care-proof all government policies to ensure the provision of, and access to, support for care leavers into adulthood. This involves a pre-supposition in favour of care leavers in all discretionary powers, and public bodies making a commitment to:

1. Ensuring care leavers get access to responsive personalised services
2. Ensuring that children's services are joined up with other services in the local authority and beyond
3. Ensuring information and data sharing to support care leavers
4. Ensuring care leavers are included in strategies beyond children's services

## 5. Ensuring care leavers have entitlement to and priority for services and support

Since 1 April 2011, in England, care leavers up to 25 have been entitled to an assessment of need and support from a personal advisor whilst in education or training. This highlights the importance of information for those young people leaving care, practical support to request assistance and to provide mechanisms to challenge local authorities if assistance is not provided.

We advocate the proposed extension of support for care leavers in Scotland up to 25; however, this can be strengthened by ensuring there is a duty to provide assistance rather than an onus on young people to request assistance (that may be declined).

### Practice

There is a significant variety of throughcare and aftercare (TCAC) provision that can be set up and delivered based on geographic need and local authority structure. The reality is that TCAC provision is patchy and variable across Scotland (Care Commission, 2009). Dixon and Stein's (2002) survey of all Scottish local authorities (response rate 97%) revealed that just over two-thirds had a specialist team or specialist staff with direct responsibility for TCAC services. Just under two-thirds of these teams were centrally located and nearly three-quarters were managed by local social work departments. The centrally organised specialist team was the main model. **However just under one-third of local authorities had no specialist staff or team with direct responsibility for providing TCAC services.**

As reported in *Celebrating Success: What helps looked after children succeed* (2006), young people highly value the support of aftercare services:

*'I got quite a lot of practical help, you know, like they helped with my rent and everything. Now I've got a support worker and she helps me more with emotional support and I know if I picked up the phone and said I really need to speak to someone, she'd be there. I think it's just amazing that five years down the line there's somebody still there for me (Denise)' (Happer et al., 2006: 33).*

A wide range of people can be involved in helping young people to prepare and plan for life after they have left care whether on a formal or informal basis. Sources of support can range from specialist leaving care workers, social workers, family and carers to teachers, housing officers and health care workers. The range of potential support available highlights the need for effective collaborative working.

The impact of increasing budget pressures alongside competing staffing and structural ideologies have also affected the consistency and quality of TCAC provision. At a time when there are pressing challenges for local authorities, there are very real threats to the quality and consistency of TCAC services across the country (Care Commission, 2009).

### Lived Experiences

Policy and practice holds centre stage in many debates and discussions around young people in care and care leavers. We must also consider the lived experiences of those in care, preparing to leave care or who have become care leavers. Supporting care leavers to make successful transitions cannot be achieved according to a pre-defined schedule, and the support they need is often time-intensive.

In a recent study exploring specific programmes for care leavers in five colleges in Scotland, young people identified a number of barriers that

prevented them from sustaining a college placement:

*'I'm going to have to pay rent for my flat on my own so I'm not sure if I'm going to be able to afford it' (Connelly, et al. 2011: 51).*

This report showed that young people in care, in the process of leaving care and young care leavers were facing many barriers to education. Barriers include a lack of financial, emotional and practical support in relation to accommodation, isolation and loneliness, managing a myriad of responsibilities for themselves and others, educational difficulties and employment. More than 200 young people ranging in age from 13 - 25 took part in these college programmes over two years, showing that care leavers of all ages were needing to access college courses for a variety of reasons, not just those within the traditional 16 - 18 age range.

Other research such as that by Dixon (2008), Rainer (2007) and Stein (1986, 2004, 2005 and 2008) has shown that throughout the last few decades those leaving care have been highly disadvantaged. Research suggests that care leavers experience a lack of access to continuing education or training, unemployment, homelessness, poor mental health and physical wellbeing, teenage pregnancy and involvement in criminal activity. Whilst individual care leavers have different trajectories upon leaving care and have different options, opportunities and choices, the services and support available to them (as well as the quality of these) vary greatly.

### **Lived experiences throughout adulthood**

We know, however, from longer term research carried out by Duncalf (2010), that care leavers across the life course identified needs and resources that they could benefit from. This research accessed 310 care leavers aged 17 - 78 from across the UK. It highlighted that

the issues facing current care leavers were neither new - as care leavers in their 50s, 60s and 70s were identifying the same issues already highlighted in this briefing - nor were they restricted to their teenage years. Care leavers identified their top five negative experiences of leaving care as: 1) having to go back to abusive/problematic families, 2) feeling alone and abandoned, 3) poor accommodation, 4) no support from services and 5) experiencing homelessness. One care leaver described her experience:

*'Very little planning for the future and I was worried as I didn't know where I would go when I turned 18. I ended up signing up for an HNC at college in a course I didn't really want to do as there seemed to be more help offered if you were going on to further education. When I went on to the HND I ended up dropping out as I didn't have secure accommodation... I found it difficult not having a social worker and felt very much on my own and didn't really have access to anyone to ask for help or advice and found the transition very difficult (Female, 25, Highlands)' (Duncalf, 2010: 30).*

This report highlights how care leavers have survived and even thrived as they live through adulthood. Many of the respondents said that their success (such as 33% of the participants in this research having gained a degree, masters or PhD) was not as a result of support from local authorities, but despite the lack of it.

### **Ways Forward**

#### ***Too much, too young?***

Despite the current legislation and guidance, there has been little progress on the average age at which young people leave care. An important factor in making a successful transition from being in care to becoming an independent adult is age. Whilst the



national average age for leaving home is now around 25 years, the average age at which young people leave care in Scotland is 16-18 years. This is despite recent high profile reports, such as SCCYP's *Sweet 16* (2008), which highlights the unacceptable situation of leaving care at such a young age. These care leavers have a more accelerated, compressed and abrupt transition which, unsurprisingly, has a detrimental effect on their achieving the same positive outcomes as their non-looked after peers. The research identified that leaving care before you are ready, regardless of chronological age, generally leads to poor outcomes. There is a pressing need to narrow the gap between young people in care and other young people, to ensure that they can enjoy stable supportive care environments for as long as they need them, in the same way as their peers.

A survey of all Scottish local authorities and the views of young people and workers showed that many young people may feel under pressure to leave care at 16 before they feel they are prepared or ready to leave (SCCYP, 2008).

### **Renewing our Philosophy of Care**

There are individual examples of young people staying longer in care settings, beyond, 16, 18 and up to 21 years - with individual authorities encouraging, enabling and supporting this. However, this is not written into policy as such and appears to be reliant on the decisions taken by key individuals within respective areas. These positive exceptions should provide a model for all services such that this type of practice becomes the norm and young people's experiences and outcomes are not determined by where they live

This involves placing an explicit expectation requirement on care providers, residential staff and foster carers to ensure that young people are encouraged, enabled and supported to

remain in supportive placements until they are ready to move on into adulthood and that the same supports, standards and expectations are applied to them in throughcare and aftercare.

**Staying Put Pilots:** A pilot programme in England (Munro et al., 2012) showed improved outcomes for young people in care if they were able to remain in settled foster care placements up to and beyond the age of 18. There are individual examples of this occurring within a number of Scottish local authorities, with similarly positive results for the young people.

However this is very much the exception and much needs to be done in terms of raising expectations, changing cultures and prioritising resources in order to make this standard practice and to improve outcomes for many more of our young people.

Ensuring young people have the opportunity to remain in stable placements until they are ready to move on has resource implications at a time when resources are already stretched. In residential settings and foster care, staff need to understand that, in forming relationships and attachments with young people in their care, there are longer term implications and commitments that need to be recognised. For staff to be able to provide on-going support consistent with a philosophy of care, there needs to be appropriate and supportive management and structures in place.

If residential workers and carers are recruited and supported with clear expectations regarding journeys into adulthood, we will ensure that at the point of decision-making regarding long term care and permanence we can **start from the default position that a young person's placement will continue until 21 unless there are clear reasons why**

**this would not be in the young person's best interests.**

The costs of positively maintaining young people in stable care placements for longer may be offset by savings in other services which may be required in adulthood if they move on prematurely. For example, the over-representation of care leavers in addiction services, prison and unemployment leading to increased reliance on welfare benefits has been well documented (Duncalf, 2010; Happer et al., 2006; Stein, 2004, 2005 and 2008; Who Cares? Scotland, 2008).

## **Conclusion**

Research studies show that better outcomes can be achieved for care leavers by positively extending their time in a care placement to 18+, and ensuring that their transition from care to independence is gradual. Despite this, many care leavers experience accelerated and compressed transitions (SCCYP, 2008).

It is paramount that young people in care are encouraged, enabled and supported to remain positively in quality foster and residential care settings until they are ready to leave. It is also crucial that emotional support that has been provided by key people in young people's lives whilst they are in care is carried through into throughcare, aftercare and adulthood.

For further details, please contact:

Zachari Duncalf, Research Fellow. [zachari.duncalf@strath.ac.uk](mailto:zachari.duncalf@strath.ac.uk)

Louise Hill, Policy Implementation Officer. [louise.hill@strath.ac.uk](mailto:louise.hill@strath.ac.uk)

Kenny McGhee, Throughcare and Aftercare Consultant. [kenny.mcghee@strath.ac.uk](mailto:kenny.mcghee@strath.ac.uk)

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## About CELCIS

CELCIS is the Centre for Excellence for Looked After Children in Scotland. Together with partners, we are working to improve the lives of all looked after children in Scotland. We do so by providing a focal point for the sharing of knowledge and the development of best practice, by providing a wide range of services to improve the skills of those working with looked after children, and by placing the interests of children at the heart of our work.

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