The main provisions of the Children (Leaving Care) Act 2000

By Dr Bob Broad, Professor of Children and Families Research, De Montfort University, Leicester

Dr Broad summarises the main provisions of the Act.

As a result of campaigning, lobbying, poor outcomes for young people leaving care, and a recognition and commitment by the current administration to helping that group of young people, and following consultation, specific new legislation was enacted in 2001.

The Children (Leaving Care) Act 2000 came into force in October 2001. The Guidance, which carries statutory force (meaning it must be followed by local authority social services), was issued in September 2001.

The powers and duties of local authorities to prepare young people they are looking after for the time they cease to be looked after, and the provisions of after care advice and assistance are described in the Children Act 1989, as amended by the Children (Leaving Care) Act 2000. All of those powers and duties need to be carried out in the light of the general child care principles on which the Children Act 1989 is based.

The Government gave the following as the main reasons behind introducing the Children (Leaving Care) Act 2000:

- the trend has been for young people to be discharged from looked after care as soon as they are 16
- the proportion of care leavers aged 16 to 18 who leave care at 16 increased from 33% in 1993 to 46% in 1998
- as many as 75% of young people leaving care have no educational qualifications
- up to 50% of care leavers are unemployed (Broad, 1998)
- up to 20% of care leavers experience some form of homelessness within two years of leaving care

Main Provisions in the Children (Leaving Care) Act 2000 (2)

The children and young people to be affected are

- eligible children - aged 16 and 17, who have been looked after for at least 13 weeks since the age of 14 and who are still looked after
- relevant children - aged 16 and 17, no longer looked after for at least 13 weeks since the age of 14, and who have been looked after at some time while 16 or 17, and who have left care
- former relevant children - aged 18 to 21, who have been either relevant or eligible children or both

Needs Assessment and Pathway Plans

The Act imposes a new duty upon local authorities to

- assess and meet the needs of eligible young people aged 16 and 17
- keep in touch with young people who have left care to make sure that they receive help, work education, training, or employment

The duty runs until the young person is 21, or 24 if s/he is still receiving help with education, training, or employment.

Pathway Plans

The Pathway Plan must identify the needs of the child or young person, as well as the nature and level of contact and personal support to be provided, and the source of that support. Pathway Plans must cover the following:

- details of the accommodation the child or young person is to occupy
- a detailed plan for the education or training of the child or young person
- how the responsible authority will assist the child or young person in relation to employment or other purposeful activity or occupation
- the support to be provided to enable the child or young person to develop and sustain appropriate family and social relationships
- a programme to develop the practical and other skills necessary for the child or young person to live independently
- the financial support to be provided to the child or young person, in particular where it is to be provided, to meet accommodation and maintenance needs
- the health needs, including any mental health needs, of the child or young person, and how they are to be met
- contingency plans for action to be taken by the responsible authority should the Pathway Plan for any reason cease to be effective

The Pathway Plan must also record key details such as the name, age and contact details of the young person, the name and contact details of the personal advisor and those of any other people who will be actively involved in delivering aspects of the Plan. It will note the date due for review.

Young Person's Advisor

The Act obliges local authorities to:

- provide a Young Person's Advisor for all eligible young people
- provide the key link between a young person and their local authority
- provide support and guidance and help to co-ordinate services
- keep in touch at least until the young person reaches 21

The responsible authority

The Act provides that the authority which last looked after a young person will continue to have responsibility, regardless of where that young person moves to in the country.

A new financial regime

The existing financial regime has been simplified by making authorities responsible for assessing and meeting the needs of these young people and by removing their entitlement to non-contributory benefits.

The money which would have been available via benefits, will be transformed via the Department of Health to local authorities to help support these young people more effectively.

Reach

Unlike the Children Act 1989, the Children (Leaving Care) Act 2000 extends powers and duties to 18 to 21 year olds, and in some cases, young people of up to 24 years of age (if in education/training).
Care Leavers aged 18 to 21 will be entitled to
- a Young Person’s Advisor
- a Pathway Plan reviewed and updated every 6 months
- contact from local authority
- support up to age 24 if local authority is helping with education and training

There is an acknowledgement in the Children (Leaving Care) Act 2000 that young people leaving care who are disabled (an estimated 25% of looked after children) have special needs and face more barriers than other young people leaving care who are not disabled. There are also specific sections on health, which should be of particular interest to readers of this newsletter.

Pathway Plans and health

The Guidance (Children (Leaving Care) Act 2000) states:
- a holistic health assessment and the maintenance of detailed health records will provide the platform for Pathway Plans to promote a healthy lifestyle, ensure appropriate use of primary health care services, plan access to specialist health and therapeutics services where necessary and promote leisure interests
- Pathway Planning should also pay attention to the need for young people to have accessible information on healthy living, sexual health and sexuality, and mental health as well as the health, dietary and cultural needs of young people from minority ethnic communities. It should also ensure that disabled young people obtain access to mainstream health care services (GP, dentist, optician etc.) as well as to any specialist service related to their impairment
- The Pathway Plan should note where a young person is entitled to free prescriptions and the action taken to obtain and update the necessary forms. Completion of the form to access the NHS Low Income Scheme, where appropriate, should be considered a routine part of the Pathway Planning process
- Pathway Planning for the health needs of care leavers should be based on the guidance arising from the consultation document Promoting the Health of Looked After Children (Department of Health, 1999)

The role of health authorities is crucial if young people's health and well-being are to be further improved. The guidance states that:
- there is a general health promotion and health advisory role for health
- health authorities and Primary Care Groups/Trusts (PCG/Ts) should participate in inter-agency planning and co-operate through Children's Services Plans, and Quality Protects Management Action Plans
- services for health care for vulnerable children, including children who are looked after and those leaving care, should be described in Health Improvement Plans (HiMPS)
- service specifications drawn up by PCG/Ts should include clear service standards for assessments of children in need. This will include contributing to, drawing up and delivering Pathway Plans

The key issue will be whether the Children (Leaving Care) Act 2000 carries enough resources, and local will, to plan and deliver the vital inter-agency partnerships that under-pin this Act. There is little doubt that the Act, and associated developments across Government, such as Connexions, and the Quality Protects programme, will provide a positive and much needed boost to the life chances of young people leaving care. It remains to be seen, however, whether what is envisaged and what is delivered in this Act are one and the same, and are sufficient.

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**National Adoption Week 2002**

National Adoption Week  BAAF’s annual campaign to raise awareness about adoption and recruit new families will run from 14 - 20 October. Further information available from BAAF on 020 7593 2038. Information will be posted on a BAAF dedicated website www.nationaladoptionweek.org

**Foster Carers and CRB**

BAAF reports that following a letter from Norman Goodwin, Chair of the CVAA, to the Prime Minister, the Home Office has decided that prospective adoptive parents satisfy the definition of volunteers in the Police Act 1997 (Criminal Records) Regulations 2002 and will therefore qualify for free access to disclosures from the Criminal Records Bureau.

**Adoption and Children Bill**

As we go to press this legislation is currently being considered in Special Standing Committee. In addition to opening up adoption to unmarried couples, which has been well publicised, the Bill restates and amends the law on adoption by reducing delays, improving existing safeguards and seeking new ways to achieve permanence for children. Another provision includes granting automatic parental responsibility to unmarried fathers if they sign the birth register jointly with the mother.