CHILDREN (LEAVING CARE) ACT

Present position

The Children (Leaving Care) Act is due to be implemented from 1 October 2001.

The principal aim of the Children (Leaving Care) Act is to improve the life chances of young people living in and leaving local authority care. The Act is based on the proposals in the consultation document ‘Me, Survive, Out There? – New Arrangements for Young People Living in and Leaving Care’ published in July 1999 which was very well received. The basis of the Act is to impose new and stronger duties upon local authorities to support care leavers until they are at least 18.

Background

The recent trend has been for young people to be discharged from local authority 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. Many of these young care leavers receive very little support from their ‘parent’ – the local authority. As many as 75% of young people leaving care have no educational qualifications. Up to 50% are unemployed and up to 20% experience some form of homelessness within two years of leaving care.

The government believes that care leavers ought to be able to expect support from their ‘parent’ – the local authority – much more like that which young people can normally expect from their parents. The Children (Leaving Care) Act is intended to make this happen.

Main Provisions of the Act

- **A new duty upon local authorities to assess and meet needs**
  The Act imposes a duty upon local authorities to assess and meet the needs of eligible young people aged 16 and 17, both those whom they continue to look after and those who have left care.

- **A new duty on local authorities to keep in touch with care leavers**
  The Act imposes a duty on local authorities to keep in touch with young people who have left care in order to make sure that they receive the support to which they are entitled. The duty runs till the young person reaches 21, or later if he is still receiving help from the local authority with education or training.

- **Young Person’s Advisers and Pathway Plans**
  The Act obliges local authorities to provide a Young Person’s Adviser and a Pathway Plan for all eligible young people. The Pathway Plan will map out a route to independence for these young people including consideration of when they might be ready to leave care. The plan will be reviewed at least once every six months to take account of a young person’s changing needs and circumstances. The Young Person’s Adviser will provide the key link between a
young person and their local authority, providing support and guidance and helping to co-ordinate services. They will continue to keep in touch until the young person reaches at least 21.

- **The Responsible Authority**
  Currently, disputes can arise amongst local authorities concerning who should have responsibility for a young person whom has moved between areas. 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.

- **New Financial Regime**
  At the moment, children who leave care at 16 or 17 can claim social security benefits. However, they are often not well informed on how to use the system and can find it difficult to claim what they are entitled to. At the same time, the existence of these funds provides an incentive for local authorities to discharge young people from care to fend for themselves.

  The government believes that local authorities should act more like a parent towards young people whom they have looked after. The Act therefore simplifies the financial regime by making authorities responsible for assessing and meeting the needs of these young people and by removing their entitlement to non-contributory benefits. That money will be transferred via the Department of Health to local authorities to help support these young people more effectively.

**Care leavers aged 18-21**

The Government believes that young people leaving care need continuing support when they enter the adult world at 18. The Act provides for young people who have qualified for the new arrangements under this Act when they were 16 or 17 to have

- A Young Person’s Adviser
- A Pathway Plan

and for their responsible authority to keep in touch with them until they are at least 21, or later if they are still being helped with education or training.

On top of this, the Act creates new duties on local authorities to provide general assistance for these young people, in cash or in kind, until they are 21, and to assist with employment, education and training. The duty to assist with education and training will last for as long as the young person is pursuing their agreed programme, even if it takes them past the age of 21.